Previous references.

File No. 132.

1900-01.

Serial Nos. 1-7

(P I J.)

Later references.

(13)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Major ~~Part~~ B. for September 01.

SUBJECT.

Modification of the New Mark Rules.

---

1. Dno. 13114/1297 789/J 8-5-01.

From The I. G. of Prisons.

Solicits early orders as to the reading of the Rule 14 of the New Mark Rules, as the late Supdt. Central gaol, Mr. Syed Amir Hasan and Mr. Smith differ as to the meaning of the Rule 14 of the New Mark Rules.

2. 15599/1532 21-5-01.

G. R. S. 58

To The I. G. of Prisons.

States that the rules stands at present

the special authorization by the Inspector-General is unnecessary and that if he desires an alteration suggested by him is necessary Govt would be glad to consider the matter on a further representation of his views.

3. Dr.o 14626 / J1622 — 899 / J — 11-6-01.

From the D. G. of Prs.

Forwards the explanation of the Dy: jailer re: his omission of the name of the prisoner Hyder Beg from the remission list and recommends him for a fine of a day's pay for each day the prisoner was detained.

4. 164. / J13 — Dated 4-7-01.

To the D. G. of Prisons.

Empowers the D. G. of Prisons to fine him without the special sanction of Govt and requests him to submit a draft of the amended Rule which he would propose so as to make it clear that the Supdt of the jail is personally responsible for the Correctness of the awards of Marks by whomsoever made.

5. Dr.o 264 / J101. — 1081 / J — 18 8-01.

From The D. G. of Prisons.

Suggests certain modification in the Rule 14 of the New Mark Rules.

6. 4732. / J312 — 14-9-01.

To the Compiler.

Forwards the above for publication in the Gazette of Mysore.

7. 4733 / J313 — 14-9-01.

To the D. G of Prisons.

Forwards a Copy of the above modified Rule for information and guidance

Indexed

J 1297

29

OFFICE OF 1901
FROM 13114
19-5-01.
DEWAN OF MYSORE.

SUBJECT P19

FILE No. 1328/00-01 To

SERVANT 1.

Submitted to the Secretary to Govt
Gen. & Revs. Depart.
with a copy of Genl. of Prisons in Mysore.

Dated 8th May 1901.

Despatched

Received

General No. 789

No. J

Enclosure No.

Solicits early orders of Govt as to the reading of the Rule 18 of the New Jail Rules

Jail
G.S.O. J.F. No. 6 of 1897-98 pertng
SM
10/5/01.

Subd with a copy of the Madras Jail Rules.

SM
11/5/01.

M. B

From

The Inspector General of Prisons

in Mysore.

To

The Secretary to the Government of Mysore

General and Revenue Departments.

Dated 8th May 1901.

No. 789/T

Sir,

I have the honor to invite your attention to the wording of Rule 14 of the New Mark Rules for prisoners, as the late Superintendent of the Central Jail, Bangalore, Mr.Syed Amir Hasan, and myself differ as to its meaning.

S.N. 22 (Note corresponding Sec 39(3) of the Prisons Act in the Jail Code) page 68

2. I understand from that Rule that the award of marks shall be made by the Superintendent himself, or, should the Inspector General empower them to do so, by the Deputy Superintendent, Jailor, Deputy Jailor, or any other officer - always under the Superintendent's supervision. But Mr.Syed Amir thinks that it is only in the case of "any other officer" than the Deputy Superin--tendent, Jailor, Deputy Jailor undertaking the work that the Inspector General's authority is necessary.

3. I think it is very necessary that there should be no misunderstanding about this rule. My recollection is that the supervision of awards of marks is a very important part of the duty of a Superintendent in British Jails, and one which without the greatest consideration should not be left to a petty Officer.

I hope Government will be pleased to pass orders early on the matter, as an investigation is pending which cannot well be completed till a perfectly clear understanding is arrived at as to the meaning of the rule to which I have referred.

I have the honor to be,

Sir,

Your most obedient servant,

Major, I.M.S.,
Offg: Inspector General of Prisons

Read (30) 9.

Letter no. 789 dt. the 8th May 1901 from the I.G. of Prisons in Mysore, requesting early orders as to the construction of Rule 14 of the new Task Rules for prisoners

P & J

FILE NO. 132 of 00-01

SERIAL NO. 2

No. 1555-99 & 1532 dt. 21-5-01.

Order thereon. As the rule stands at present, the Special authorization by the Inspector General is necessary to enable the D.Y. Supdt., Jailor or Deputy Jailor to award ordinary marks; but it is required in the case of any officer other than the three specifically named. Further, the award of marks by whomsoever made, is invariably subject to the control and supervision of the Superintendent.

If the Insp-Genl-der

13-5-01. Hrw 13/5

Send the I.G. of Prisons in Mysore

X. The Madras Rule (no. 399) is different: there the special sanction of the I.G. is necessary for the delegation of the whole or part of the work to the Jailor or Dy Jailor, and it cannot be delegated to any others.

H

* Sees that an alteration as suggested by him is expedient, Govt would be glad to see consider the matter on a further report of his views

RECEIVED

J 1422

4626
14-6-01 1900-1901.

FROM OFFICE

The Inspr Genl of Prisons in Mysore.

P20

PLACE No. 1320

SERIAL No. 3

To

The Secy: to Government Genl & Revl Depttt

Dated 11th June 1901.

Despatched

Received

General No. 899

No. J

Enclosure No. 4

Forwarding the explanation of the Dy: Jailor re: his omission of the name of the prisoner Hyderbeg from the remission list & recommending him for a fine of a day's pay for each day the prisoner was detained, viz, 3 days.

Jud
14.6.01
J 7 No 6 of 1897-20 papers.
DMB
15/6/01

Submitted for orders

Secn:
17/6.

3

From

The Offg: Inspector General of Prisons

in Mysore,

Bangalore.

To

The Secretary to the Government of Mysore

General and Revenue Departments,

Bangalore.

Dated 11th June 1901.

No. 899/J Encl: 4

Sir,

I have the honor to acknowledge the receipt of Government Order No.15599/J.1532 of 21st May on my No.789/J of 8th May 1901 requesting early orders as to the construction of Rule 14 of the New Mark Rules for prisoners.

2. The occasion which gave origin to my letter was this:- On 9th of April 1901 the Superintendent, Central Jail, Bangalore, reported to me that a certain prisoner was detained in that prison longer than he should have been, owing to the omission on the part of the then Deputy Jailor to place him on the remission list of prisoners on admission to the prison. Mr.Amir Hasan was then Superintendent of the prison. I accordingly asked this Officer in my No.755/J× of 23rd April 1901 how it came about that such an omission was overlooked. He replied (his No.230× of 26th April 1901) that the Chief Jailor was to (have) supervised the checking of the marks register kept by the Deputy Jailor every month and adjust the term of imprisonment of each prisoner entitled to remission, but that the Chief Jailor never reported to him (Superintendent) the omission of the name of the man from the remission register whose case was now under consideration.

3. In reply to this I asked him (Mr.Amir Hasan) under what authority he had deputed the awarding of marks to the Deputy Jailor, as I considered the Rule 14 of the New Mark Rules was clear, and required either the Superintendent or some Officer

specially

× Enclosures to be obligingly returned when no longer required.

specially empowered by the Inspector General of Prisons and under the Superintendents supervision should make the award of marks. To which he replied (his No:236 of 4th May 1901) that he understood the Rule to mean that the Superintendent, Deputy Superintendent, Jailor, or Deputy Jailor could award the ordinary marks, and that the sanction of the Inspector General of Prisons was not necessary to enable them to do this. This is the view Government take of this Rule in their order referred to in para 1 above, and is therefore the meaning intended to be attached to this Rule, though I think a comma after the words "Deputy Jailor" is necessary to make it convey this meaning clearly.

4. But apart from this I think the Superintendent's methods as stated in his No.230 of 26th April 1901 are not what Government would have them to be. Admitting that the Deputy Jailor might be entrusted to award the ordinary marks according to the Rule, it was imperative that such award should be made under the Super-intendent's supervision and control. In this case (Vide Mr. Amir Hasan's letter) it was the Chief Jailor who was entrusted with such supervision.

5. In Mr.Amir Hasan's letter No.236 of 4th May 1901 Para 1 he hints that the routine of events under which the omission of the prisoner's name occurred was not of his own devising, but that he inherited it so to speak from his predecessor. However this may be I feel sure it clearly the intention of Government when framing the new mark rules that the Superintendent himself should supervise and control the award of marks by whomsoever the award was made. I find in the Madras Code that the Superintendent is ~~only~~ directly responsible for the correct award of marks; and I would therefore suggest that the wording of Rule 14 be so drafted that there can be no possible meaning attached to it other than that intended by Government, viz, that whoever it be who awards the marks, the Superintendent himself is responsible for the correctness of the award, and may not depute the checking of the register to any other official whatsoever.

I forward the explanation given by the Deputy Jailor as to how

how he omitted the name of a prisoner from the remission list. It would have been better if he had just said it was more or less through negligence that the mistake was made for that is what his explanation amounts to. I recommend him for a fine of a day's pay for each day the prisoner was detained beyond the time his release was due i.e. three days' pay.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.,

Major, I.M.S.,

Offg: Inspector General of Prisons.

6

Read,

Correspondence ending with letter no 849/J dated the 11th June 1901 from the S.G.L. of Prisons in my note, reporting that a certain prisoner was detained in the Bangalore Central Jail for three days longer than he should have been owing to the omission on the part of the Deputy Jailor J. Smith (now Jailor at the Mysore Jail) and recommending that this Official be fined in a sum equivalent to three days' pay, and suggesting that the wording of rule 14 of the new mark Rules for prisoners be drafted that three can be

^ to place him on the remission list of prisoners,

do [illegible] to dissociate any possible meaning being attached to it other than that intended by Govt ~~any~~ that whoever it be who awards the marks the Superintendent himself is responsible for the correctness of the award and that he may not depute the checking of the Register to any other official whatever.

Ewly

order thereon. No. 164 of 1913 4-7-01.

The occurrence of the mistake in question was regrettable - The explanation of the Deputy Jailor is not

satisfactory and the I.G. has further to find him ~~punishments~~ proposed ~~to be~~ without the sanction ~~to be approved~~ of Govt.

2- The Inspector General is requested to submit a draft of the amended rule which he would propose so as to make it clear that the Supdt of the gaol is personally responsible for the correctness of the award of marks by whomsoever made.

(Sd/) H.V.N.
(vide slip).

11/12/20

Secy:

To,
The I.G. of Prisons
returning the enclosure
of his letter read above.

9

From

The Offg: Inspector General of Prisons
in Mysore.

SECTION— P & G
FILE No. 1320 of 00-01.
SERIAL No. 5

To

The Secretary to the Government of Mysore
General and Revenue Departments,
Bangalore.

Dated 18th July 1901.

No. 1081/J

Sir,

I have the honor with reference to Government Order No. 164/J.13 of 4th July 1901 Para 2, to say that I think if Rule 14 of the New Mark Rules be worded as follows there will no longer be any room for doubt as to the intention of Government.

"The award of ordinary marks shall be made either by the Superintendent himself or, under his orders, by the Deputy Superintendent, Jailor, Deputy Jailor, or, by any Officer specially empowered in that behalf by the Inspector General. The Superintendent shall be personally responsible for the correctness of the award by whomsoever it shall have been made.

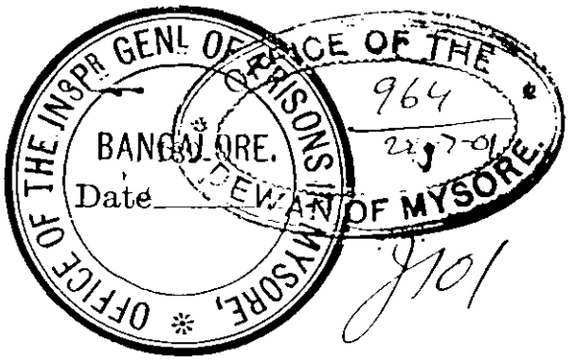
The award of special marks shall be made only by the Superintendent or the Inspector General."

I have the honor to be,

Sir,

Your most obedient servant,

M.D.,
Major, I.M.S.,
Offg: Inspector General of Prisons.



From

J101

To

The Secretary to Government

Genl: & Rev: Deptts:

33

Dated 18th July 1901.

Despatched

Received

General No. 1081

No. J

Enclosure No.

With reference to Para 2 of Government Order No.162/J.13 dated 4th Instant, suggests certain modification in Rule 14 of the New Mark Rules, so that there may not be any room for doubt as to the intention of Government.

22-7-01

H.

Wrk-7 No. 6 of 97-98

23-7-01

SECTION 129

FILE No. 122-9700 01

SERIAL No. 6

No. 4732 dt 10
Notification J 312 dt 14/9/01.

824 The following shall be substituted for Rule 14 of the New Mark Rules published ~~under~~ under Govt Notification No. 11737 J 1457 dated the 17th April 1899:—

"14. The award of ordinary marks shall be made either by the Superintendent himself, or under his orders, by the Deputy Superintendent, Jailor, Deputy Jailor, or by any officer specially empowered in that behalf by the Inspector General. The Superintendent shall be personally responsible for the correctness of the award by whomsoever it shall have been made.

Mac

The award of special marks shall be made only by the Superintendent or the Inspector General."

Secretary.

10.8.01

To

The ~~I.G. of~~ Compiler, Mysore Gazette.

SW
9/8/01.

2 Dft 1 12

SECTION P&O

FILE N 1320/21/1901

SEL 765

Read :- Correspondence ending with the following letter No. 1081 dated the 18th July 1901 from the Inspector General of Prisons in Mysore,

(Print in Extenso)

To the 3rd Councillor for approval

21/8

21-8-01
(120)

Order thereon No. 4733 / 313 dated 14-9-01

The suggestion of the Inspector General is approved. The following notification will be published in the Mysore Gazette.

(Here enter Notification)

20-8-01

Secretary

SN 24/8/01.

To The D.G. of Prisons in Mysore

24/8

Sabd to Secy

This may now issue. In paper S. No. 19, it was held that these rules did not require the approval either of the Dewan or of the Council, the approval of the Councillor in charge being sufficient. 27/8/01

27/8/01

Transpiration issued on 27/8/01

READ —

Correspondence ending with the following letter No. 1081—J., dated the 18th July 1901, from the Inspector General of Prisons in Mysore :—

I have the honor, with reference to Government Order No. 164—J. 13 of 4th July 1901, para 2, to say that I think if Rule 14 of the New Mark Rules be worded as follows, there will no longer be any room for doubt as to the intention of Government :

"The award of *ordinary* marks shall be made either by the Superintendent himself or, under his orders, by the Deputy Superintendent, Jailor, Deputy Jailor, or, by any officer specially empowered in that behalf by the Inspector General. The Superintendent shall be personally responsible for the correctness of the award by whomsoever it shall have been made.

The award of *special* marks shall be made only by the Superintendent or the Inspector General."

No. 4733—J. 313, DATED BANGALORE, 14TH SEPTEMBER 1901.

ORDER THEREON—The suggestion of the Inspector General is approved. The following Notification will be published in the *Mysore Gazette* :—

The following shall be substituted for Rule 14 of the New Mark Rules published under Government Notification No. 11737—J. 1457, dated the 17th April 1899 —

"14. The award of *ordinary* marks shall be made either by the Superintendent himself or, under his orders, by the Deputy Superintendent, Jailor, Deputy Jailor, or, by any officer specially empowered in that behalf by the Inspector General. The Superintendent shall be personally responsible for the correctness of the award by whomsoever it shall have been made.

The award of *special* marks shall be made only by the Superintendent or the Inspector General."

H. V. NANJUNDAYYA,
Secy to Govt., Gen. & Rev. Depts.

To—The Inspector General of Prisons in Mysore.

Exd.—H.A.R.

1901-1902

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 14th September 1901

No. 4733 / J. 313

Modifying Rule 14 of the New Mark Rules.

SBP—19-9-1901—200